

# Louisiana Public Service Commission



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Executive Counsel

January 5, 2022

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Deputy Undersecretary

## VIA EMAIL

**RFP 22-4 Docket No. R-36227, Louisiana Public Service Commission, ex parte. In re: Assessment of Louisiana's current electric utility infrastructure for resilience and hardening for future storm events.**

To all LPSC qualified consultants:

Enclosed please find a **revised** Request for Proposals ("RFP") for **outside counsel** issued by the Louisiana Public Service Commission for the above referenced docket. RFP 22-4 is being reissued to remove the minimum requirement of having a licensed engineer employed. All deadlines remain the same.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'KHB'.

Kathryn H. Bowman  
Executive Counsel

Encl.

cc.: Brandon M. Frey, Executive Secretary  
Noh Hoggatt, Staff Attorney

**RFP 22-4-REVISED<sup>1</sup>**  
**LOUISIANA PUBLIC SERVICE COMMISSION**  
**REQUEST FOR PROPOSALS (“RFP”)**  
**January 5, 2022**

***DOCKET NO. R-36227, Louisiana Public Service Commission, ex parte, In re: Assessment of Louisiana’s current electric utility infrastructure for resilience and hardening for future storm events.***

The Louisiana Public Service Commission (“Commission” or “LPSC”), in accordance with the requirements of the LPSC General Order dated November 10, 2014 regarding the selection of contract employees (the “Contract Order”), issues this Request for Proposals (“RFP”) seeking **outside counsel** who will assist Commission Staff in the evaluation of Louisiana’s transmission grid regarding status, maintenance, and whether more could have been done, or could be done, to benefit Louisiana customers.

**Deviations from the requirements contained herein, or conditional bid amounts may result in rejection of the bid as non-conforming. Consideration of qualifying bids received in response to RFP 22-4 are anticipated to be on the Commission’s February 2022 Business and Executive Session (“B&E”), which is currently scheduled for February 23, 2022.**

**I. Overview**

This docket was initiated by an unopposed directive by Chairman Greene at the Commission’s November 17, 2021 B&E, which stated:

In light of recent storms over the past two years, both tropical and winter, the apparent increase thereof, the broad devastation those storms have repeatedly had on Louisiana’s electric utility infrastructure, and because such devastation ultimately comes as a costs to Louisiana utility customers, I direct Staff to open a docket and use whatever means necessary, including but not limited to the hiring of an independent engineering firm, to assess the current electric utility infrastructure in Louisiana and propose a plan of resiliency and hardening that could better prepare Louisiana’s electric grid for future storms and interruptions. This docket should include creative proposals that will solve Louisiana’s specific infrastructure problems and allow staff to explore all options from hardening to microgrids to solutions not yet known to the Commission.

**II. Scope of Representation**

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<sup>1</sup> RFP 22-4 was revised to removed the minimum requirement that any potential outside counsel have a licensed engineer on staff. This was an inadvertent carry-over from RFP 22-2, which seeks an independent engineer to also assist in Docket No. R-36227.

Applicants will be assisting Commission in-house Staff (Legal, Utilities, and Auditing Divisions), and an engineering consultant in: the drafting, review, and potential follow-up to data requests issued to jurisdictional electric utilities; analyzing information/data received from jurisdictional electric utilities regarding each utility's respective maintenance plan(s) regarding transmission; assisting in drafting requests for information/comments to stakeholders; reviewing and analyzing comments filed by all parties; participating in technical conferences; participating in site visits, if deemed necessary; participating in meetings with stakeholders, jurisdictional utilities, and Commissioners, as deemed necessary; reviewing and providing comments on technical analysis prepared by the independent engineering consultant; assisting with the drafting of a Staff recommendation, including the possibility of rules; assisting in the defense of any proposed recommendations and rules; ensuring that any rules and regulations issued by the Commission conform with the national regulatory standard for regulated utilities; and attending any B&E Sessions as needed. The scope of representation will go through a Commission vote on this matter.

All proposals shall include an outline of a plan of action for this scope of representation. However, the Commission and its Staff shall have the right to determine how the tasks will be carried out. In addition, all proposals shall be accompanied by a professional firm resume indicating the qualifications and experience necessary to meet the requirements of this RFP. Deviations from the requirements contained herein, or conditional bid amounts may result in rejection of the bid as non-conforming.

### **III. Period of Representation**

The time period estimated to complete the Scope of Representation is approximately 12 months. This is merely an estimate and the Commission makes no representations as to the accuracy of the Period of Representation.

### **IV. Minimum Requirements**

To qualify, all Applicants must have requisite knowledge of the topics listed below, in addition to those provided in Commission General Order dated November 10, 2014. *The Commission's Contract Order requires Applicants to be pre-qualified by the Commission in order to be considered eligible.* Applicants shall, at a minimum, be experienced in the presentation of cases involving public utility regulation, or other regulatory issues on administrative and judicial levels, including the presentation of witnesses on direct examination, cross examination of adverse witnesses, presentation of reports and recommendations, and the analysis of pleadings, recommendations and exceptions.

Additionally, Applicants shall also have a working knowledge of the Commission's rulemaking processes; applicable Commission regulations; and experience in all aspects of electric utility ratemaking proceedings, including analyzing the operations, books, and records of utility companies, particularly investor-owned utilities, for the purpose of setting just and reasonable rates. Applicants shall be qualified and prepared to assist in drafting a recommendation, and possibly rules, with respect to all of the issues addressed in this RFP and which are likely to arise in the proceeding and have knowledge of:

- 1) The Commission's General Order dated March 12, 1974 prohibiting "promotional practices" by public utilities;
- 2) The Commission's General Order dated April 20, 2012 (Corrected) (Docket No. R-30021) regarding electric utilities filing Integrated Resource Plans;
- 3) Midcontinent Independent System Operator ("MISO") tariffs, rules and planning processes, generally;
- 4) Southwest Power Pool ("SPP") tariffs, rules and planning processes, generally;
- 5) Construction, design and operation of electric utility infrastructure, including but not necessarily limited to the distribution and transmission systems; and
- 6) Familiarity with cost allocation methodologies for the allocation of investment and expenses among affiliates and utilities, including the relationship of a parent company to its subsidiary operating companies; the transfer of investment and costs among affiliates and utilities, and the provision of services among affiliates and utilities.

#### **V. Estimate of Costs**

Applicants shall provide an overview of the estimated costs in the summary of the bid proposal. All proposals shall include fees and expenses associated with Applicant's services described above. Applicants responding to this RFP shall quote their rates on an hourly basis, and shall submit a total budget, separating professional fees from expenses.

Applicants shall only be allowed to charge for actual hours of work performed and costs incurred. Once selected, an Applicant's hourly rates and budget shall not be altered except by formal approval of the Commission.

#### **VI. Conflict of Interest**

Applicants shall prominently and separately disclose current, as well as past, employment or clients which could possibly result in a conflict of interest. Potential conflicts could include, but should not be limited to, business relationships with regulated utilities, affiliates of regulated utilities, consumer advocacy groups, or any other party that comes before the Commission. In addition, Applicants shall disclose matters in which they currently represent clients before the Commission.

#### **VII. Billing Guidelines**

As required by the November 10, 2014 General Order, all bills shall be rendered monthly and shall specifically identify and describe all work performed, the person performing such work, the time and charge for such work, and shall additionally show the total amount billed to date and the authorized original estimate. Bills will be rendered in strict accordance with the Commission's guidelines. Expenses shall also be separately disclosed with proof of such expenses attached.

Expenses, where applicable, shall be reimbursed at state authorized rates as specified in the Travel Policies and Procedures Memorandum issued by the State of Louisiana, Division of Administration in effect at the time such expenses are incurred ("Allowable Expenses"). Any expenses that exceed the Allowable Expenses shall be borne by the contract employee and shall not be reimbursed by either the Commission, or the correspondent utility, unless otherwise specified by the Commission.

### **VIII. Reservation of Rights**

The LPSC reserves the right to reject any and all proposals, to amend and/or supplement this RFP at any time, and to consider proposals or modifications thereof received at any time prior to LPSC vote at Open Session, if such action is found by the LPSC to be in the public interest. Pursuant to the Contract Order regarding the selection of contract employees, the LPSC has the right to accept any offer and does not have to accept the lowest bid amount. In addition, there is also no assurance, express or implied, that an award will necessarily be made pursuant to this RFP.

### **IX. Submission of Proposals**

Interested parties should submit the **original (hard copy), 2 copies, and e-mail an electronic copy** of the proposal to:

Kimberly N. O'Brian  
Kathryn H. Bowman  
Louisiana Public Service Commission  
602 North Fifth Street (Galvez Building) (70802)  
P.O. Box 91154  
Baton Rouge, Louisiana 70821-9154  
Phone: (225) 342-9888  
Fax: (225) 342-5610  
Email: [kim.obrian@la.gov](mailto:kim.obrian@la.gov)  
[kathryn.bowman@la.gov](mailto:kathryn.bowman@la.gov)

To be considered, an original, two copies, and the electronic copy of the proposal must be received on or before **Monday, February 7, 2022 at 4:30 p.m.** **Selection of consultants is anticipated to take place at the Commission's February 2022 Business and Executive Session, which is currently tentatively scheduled for February 23, 2022.** Information concerning billing procedures and the Commission's RFP policy may be obtained from the address listed above, or by calling (225) 342-9888.